

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES AND ENERGY

Call to Order: By **CHAIRMAN GREG LIND**, on February 14, 2007 at 3:30 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Greg Lind, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Kelly Gebhardt (R)
Sen. Christine Kaufmann (D)
Sen. Gary L. Perry (R)
Sen. Bill Tash (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzienried (D)

Members Excused:

Sen. Dan Harrington (D)

Members Absent: None.

Staff Present: Claudia Johnson, Committee Secretary
Joe Kolman, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 446, 2/12/2007; SB 431,
2/8/2007; SB 425, 2/7/2007; SB 407,
2/9/2007
Executive Action: SB 19, SB 218, SB 442, SB 446, SB
391

00:22:34 Chairman Lind

HEARING ON SB 446

Opening Statement by Sponsor:

00:24:10 SEN. GARY PERRY (R), SD 35, opened the hearing on SB 446, Revise water law re: industrial waste discharge.

Proponents:

00:25:19 John Dilliard, Department of Environmental Quality (DEQ)

[EXHIBIT](#)(nas33a01)

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

00:32:23 Sen. Kaufmann to John Dilliard, DEQ

Closing by Sponsor:

00:34:34 Sen. Perry

HEARING ON SB 431

Opening Statement by Sponsor:

00:35:10 SEN. GREG LIND (D), SD 50, opened the hearing on SB 431, Revise standards for hot springs.

[EXHIBIT](#)(nas33a02)

Proponents:

00:38:20 Richard Simmons, Self

[EXHIBIT](#)(nas33a03)

Opponents: None.

Informational Testimony:

00:48:26 Kathy McCarthy, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

00:48:50 Sen. Perry to Sen. Lind

00:51:17 Sen. Perry to Kathleen McCarthy, DPHHS

Closing by Sponsor:

00:52:52 Sen. Lind

HEARING ON SB 425

Opening Statement by Sponsor:

00:54:43 **SEN. VERDELL JACKSON (R), SD 5**, opened the hearing on **SB 425**, Generally revise water use act.

[EXHIBIT\(nas33a04\)](#)

[EXHIBIT\(nas33a05\)](#)

Proponents:

01:05:49 John Bloomquist, Self

01:13:18 Glenn Oppel, Montana Association of Realtors (MAR)

[EXHIBIT\(nas33a06\)](#)

Opponents:

01:16:23 Jerry McLaughlin, DNRC

01:20:10 Mike Murphy, Montana Water Resource Association

01:23:07 Holly Franz, PPL Montana

01:25:43 Bob Lane, Chief Legal Counsel, Department of Fish, Wildlife and Parks (FWP)

01:28:32 Nick Seeburg, Director, Gallatin National Irrigators

01:30:38 Walt Sales, Gallatin Irrigator

01:32:28 George Alberta, Commissioner, Gallatin Irrigators

01:33:30 Stan Bradshaw, Montana Trout Unlimited

01:34:13 Brenda Lindlief-Hall, Attorney, Water Users Association

Informational Testimony: None.

Questions from Committee Members and Responses:

01:35:28 Sen. Tash to Bob Lane, FWP

01:37:00 Sen. Tash to Jerry McLaughlin, DNRC

01:39:53 Sen. Tash to Glenn Oppel, MAR

01:41:27 Sen. Lind to John Bloomquist

01:42:13 Sen. Lind to Glenn Oppel, MAR

Closing by Sponsor:

01:43:21 Sen. Jackson

HEARING ON SB 407

Opening Statement by Sponsor:

01:48:37 **SEN. KEITH BALES (R), SD 20**, opened the hearing on **SB 407**, Authorizing emergency discharges of coal bed methane water.

[**EXHIBIT\(nas33a07\)**](#)

[**EXHIBIT\(nas33a08\)**](#)

[**EXHIBIT\(nas33a09\)**](#)

Proponents:

01:56:36 John Morris, Rancher

01:58:02 John Bloomquist, Montana Stockgrowers Association

01:58:35 Connie Morris, Rancher

[**EXHIBIT\(nas33a10\)**](#)

02:03:57 Mark Moreland, Self

02:05:02 Dave Galt, Executive Director, Montana Petroleum Association

02:05:29 Don McDowell, Rancher

02:06:19 Matt Cole, Self

02:07:43 Gordon Decker, Rancher

EXHIBIT(nas33a11)

02:11:13 Jon Metropoulos, Fidelity Exploration and Production Company

02:12:08 Tom Ebzery, Nance Petroleum Company

02:12:57 Don Allen, Western Environmental Trade Association (WETA)

02:13:34 Willie Duffield, Executive Director, Montana Association of Oil, Gas, and Coal Counties, Inc.

Opponents:

02:14:06 Brenda Lindlief-Hall, Water Users Association

02:17:23 Rick Moore, Northern Plains Resource Council (NPRC)

EXHIBIT(nas33a12)

02:19:38 Ana Pederson, Montana Environmental Information Center (MEIC)

Informational Testimony: None.

Questions from Committee Members and Responses:

02:20:49 Sen. Tash to Gordon Decker, Self

02:23:19 Sen. Curtiss to Rick Moore, NPRC

02:24:05 Sen. Gebhardt to Sen. Bales

02:26:05 Sen. Kaufmann to Mark Moreland, Rancher

02:28:03 Sen. Kaufmann to Brenda Lindlief-Hall, Water Users Association

02:29:14 Sen. Kaufmann to Tim Hall, Attorney, Department of
Natural Resources and Conservation (DNRC)

02:30:32 Sen. Kaufmann to Teri McLaughlin, DNRC

02:31:52 Sen. Wanzenried to Sen. Bales

02:37:52 Sen. Perry to Sen. Bales

02:42:40 Sen. Tropila to Sen. Bales

02:45:37 Sen. Curtiss to Sen. Bales

02:47:14 Sen. Kaufmann to Rick Moore, NPRC

02:48:36 Sen. Lind to Gordon Decker

02:51:04 Sen. Lind to Tim Hall, DNRC

02:52:07 Sen. Lind to Sen. Bales

Closing by Sponsor:

02:54:51 Sen. Bales

Discussion:

03:07:24 Sen. Lind to Joe Kolman

EXECUTIVE ACTION ON SB 19

03:07:44 **Motion:** SEN. PERRY moved that SB 19 DO PASS.

Discussion:

03:08:26 Sen. McGee

03:10:40 Sen. Lind

03:10:48 Sen. Kaufmann

03:12:32 Sen. Gebhardt

03:12:57 Sen. Kaufmann

03:14:46 Sen. Gebhardt

03:15:28 Sen. Kaufmann

03:16:49 Sen. Perry

03:17:27 Sen. Perry to Sen. McGee

03:21:41 Sen. Perry

03:22:10 Sen. Lind

03:25:58 Sen. Wanzenried

03:27:22 **Motion/Vote:** SEN. WANZENRIED moved that SB 19 DO PASS.
Motion carried 5-4 by roll call vote with SEN.
HARRINGTON, SEN. KAUFMANN, SEN. LIND, and SEN.
WANZENRIED voting no. SEN. HARRINGTON voted by proxy.

Discussion:

03:28:25 Sen. Gebhardt

EXECUTIVE ACTION ON SB 218

03:30:09 **Motion:** SEN. LIND moved that SB 218 DO PASS.

Discussion:

03:30:37 **Motion:** SEN. LIND moved that AMENDMENT SB021801.AJK BE
ADOPTED.

Discussion:

03:32:27 Sen. Lind

03:32:48 Joe Kolman

03:36:41 Sen. Lind

03:36:56 **Motion/Vote:** SEN. PERRY CALLED THE QUESTION ON
AMENDMENT SB021801.AJK. Motion carried unanimously by
voice vote. SEN. HARRINGTON voted by proxy.

03:37:14 **Motion:** SEN. LIND moved that SB 218 DO PASS AS
AMENDED.

Discussion:

03:38:18 Sen. Gebhardt

03:39:46 Sen. Lind

03:40:57 Motion/Vote: SEN. TASH CALLED THE QUESTION ON SB 218.
Motion carried 8-1 by voice vote with SEN. CURTISS
voting no. SEN. HARRINGTON voted by proxy.

EXECUTIVE ACTION ON SB 442

03:41:27 Motion: SEN. KAUFMANN moved that SB 442 DO PASS.

Discussion:

03:42:33 Sen. Gebhardt

03:43:06 Sen. Kaufmann to Joe kolman

03:43:49 Motion: SEN. KAUFMANN moved that AMENDMENT
SB044201.AJK BE ADOPTED.

EXHIBIT (nas33a13)

Discussion:

03:44:05 Joe Kolman, LSD

03:44:39 Vote: Motion that AMENDMENT SB044201.AJK BE ADOPTED
carried unanimously by voice vote. SEN. HARRINGTON
voted by proxy.

03:44:57 Motion/Vote: SEN. KAUFMANN moved that SB 442 DO PASS
AS AMENDED. Motion carried unanimously by voice vote.
SEN. HARRINGTON voted by proxy.

EXECUTIVE ACTION ON SB 446

03:45:45 Motion: SEN. PERRY moved that SB 446 DO PASS.

Discussion:

03:46:30 Motion/Vote: SEN. PERRY CALLED THE QUESTION ON SB 446.
Motion carried unanimously by voice vote. SEN.
HARRINGTON voted by proxy.

EXECUTIVE ACTION ON SB 391

03:47:46 Motion: SEN. WANZENRIED moved that SB 391 DO PASS.

Discussion:

03:50:23 Sen. Perry to Joe Kolman, LSD

03:50:40 Sen. Perry to Sen. Lind

03:50:56 **Substitute Motion/Vote:** SEN. GEBHARDT made a substitute motion that SB 391 BE TABLED. Substitute motion failed 4-5 by roll call vote with SEN. CURTISS, SEN. GEBHARDT, SEN. PERRY, and SEN. TASH voting aye. SEN. HARRINGTON voted by proxy.

03:51:24 Sen. Wanzenried withdrew his motion on SB 391.

Discussion:

03:52:31 Chair Lind

ADJOURNMENT

Adjournment: 7:50 P.M.

SEN. GREG LIND, Chairman

CLAUDIA JOHNSON, Secretary

GL/cj

Additional Exhibits:

EXHIBIT ([nas33aad.pdf](#))